

STATE OF WISCONSIN
Senate Journal
Eighty-Sixth Regular Session

TUESDAY, April 19, 1983

10:00 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

LEAVE OF ABSENCE

By request of Senator Harsdorf, with unanimous consent, Senator Opitz was granted a leave of absence for today's session.

By request of Senator Cullen, with unanimous consent, Senators Bablitch and Maurer were granted a leave of absence for today's session.

The roll was called and the following senators answered to their names:

Present -- Senators Adelman, Chilsen, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 30.

Absent -- None.

Absent with leave -- Senators Bablitch, Maurer and Opitz -- 3.

The senate stood for the prayer which was offered by Father John T. Flanagan of St. Thomas Aquinas Catholic Church, Madison.

The senate remained standing and Senator Kreul led the senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 26

Relating to requesting the attorney general to initiate or intervene in an action to oppose the sale of federally owned land in this state or any exchange of federally owned land in this state which would have a detrimental effect on the people of this state.

By Senators Czarnecki and Strohl; cosponsored by Representatives Neubauer and Bell.

Read and referred to committee on Energy and Environmental Resources.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 223

Relating to child day care services, granting rule-making authority and making an appropriation.

By Senators Risser, Thompson, Norquist, Otte, Cullen, Adelman, George and Czarnecki; cosponsored by Representatives Metz, Sell, Tesmer, Goodrich, Ulichny, Medinger, Jaronitzky, Plous, Kunicki, Munts, Bell, Neubauer, Johnson, Miller, D. Travis, Williams, Gilson, Smith, Seery, M. Coggs and Clarenbach.

To committee on Health, Education, Corrections and Human Services.

Senate Bill 224

Relating to lowering a pupil's grade or denying course credit due to unexcused absences from school.

By Senators Offner, Roshell, Hanaway and Johnston; cosponsored by Representatives Plewa, Shoemaker, Smith, Sell, Radtke, Rude, Young, Jaronitzky, Rosenzweig, Panzer, Kasten, Stower and Buettner.

To committee on Health, Education, Corrections and Human Services.

Senate Bill 225

Relating to a sales and use tax exemption for animal bedding.

By Senator Chilsen.

To Joint Survey committee on Tax Exemptions.

Senate Bill 226

Relating to registration fees for motor trucks used exclusively by groups participating in parades or other entertainment.

By Senator Chilsen.

To committee on Transportation.

Senate Bill 227

Relating to a property tax exemption for temporary structures used to provide shade for ginseng plants.

By Senators Chilsen and Kincaid; cosponsored by Representative Kasten.

To Joint Survey committee on Tax Exemptions.

Senate Bill 228

Relating to motor bicycle equipment.

By Senator Chilsen.

To committee on Transportation.

Senate Bill 229

Relating to consumer loan practices.

By Senators Cullen and Lee; cosponsored by Representatives Gilson, Williams and Wood.

To committee on Labor, Business, Veterans Affairs and Tourism.

COMMITTEE REPORTS

The committee on Labor, Business, Veterans Affairs and Tourism reports and recommends:

BENNETT, NANCY, of Madison, as a member of the Credit Union Review Board, to serve for the term ending May 1, 1988.

Confirmation:

Ayes, 7 -- Senators Van Sistine, Roshell, Bablitch, Adelman, Thompson, Chilsen and Engeleiter;

Noes, 0 -- None.

BERNDT, KATHERINE, of Superior, as a member of the Credit Union Review Board, to serve for the term ending May 1, 1987.

Confirmation:

Ayes, 7 -- Senators Van Sistine, Roshell, Bablitch, Adelman, Thompson, Chilsen and Engeleiter;

Noes, 0 -- None.

SANDOVAL, JESSE, of Marshfield, as a member of the Credit Union Review Board, to serve for the term ending May 1, 1986.

Confirmation:

Ayes, 7 -- Senators Van Sistine, Roshell, Bablitch, Adelman, Thompson, Chilsen and Engeleiter;

Noes, 0 -- None.

APESANAHKWAT, of Keshena, as a member of the Veterans Affairs Board, to serve for the term ending May 1, 1989.

Confirmation:

Ayes, 7 -- Senators Van Sistine, Roshell, Bablitch, Adelman, Thompson, Chilsen and Engeleiter;

Noes, 0 -- None.

PACZKOWSKI, NICK, of Kenosha, as a member of the Veterans Affairs Board, to serve for the term ending May 1, 1985.

Confirmation:

Ayes, 7 -- Senators Van Sistine, Roshell, Bablitch, Adelman, Thompson, Chilsen and Engeleiter;

Noes, 0 -- None.

PRATT, MARVIN, of Milwaukee, as a member of the Veterans Affairs Board, to serve for the term ending May 1, 1989.

Confirmation:

Ayes, 7 -- Senators Van Sistine, Roshell, Bablitch, Adelman, Thompson, Chilsen and Engeleiter;

Noes, 0 -- None.

Senate Bill 79

Relating to directing the department of industry, labor and human relations to develop a certification exam for master electricians and granting rule-making authority.

Adoption of senate substitute amendment 1:

Ayes, 4 -- Senators Van Sistine, Roshell, Bablitch and Thompson;

Noes, 3 -- Senators Adelman, Chilsen and Engeleiter.

Passage:

Ayes, 4 -- Senators Van Sistine, Roshell, Bablitch and Thompson;

Noes, 3 -- Senators Adelman, Chilsen and Engeleiter.

JEROME VAN SISTINE

Chair

The committee on Energy and Environmental Resources reports and recommends:

Senate Bill 222

Relating to the campground reservation system and eliminating resident preference.

Passage:

Ayes, 5 -- Senators Strohl, Opitz, Adelman, Ellis and Lee;

Noes, 0 -- None.

JOE STROHL

Chair

The committee on Agriculture and Rural Affairs reports and recommends:

NEWMAN, GARY, of Amery, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 1987.

Confirmation:

Ayes, 5 -- Senators Moen, Feingold, Offner, Theno and Opitz;

Noes, 0 -- None.

SEEFLUTH, BETTY, of Stevens Point, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 1986.

Confirmation:

Ayes, 5 -- Senators Moen, Feingold, Offner, Theno and Opitz;

Noes, 0 -- None.

Senate Bill 165

Relating to the occupational tax on owners of domestic mink farms.

Passage:

Ayes, 5 -- Senators Moen, Feingold, Offner, Theno and Opitz;

Noes, 0 -- None.

RODNEY C. MOEN

Chair

REPORT OF JOINT SURVEY COMMITTEE ON
RETIREMENT SYSTEMS

Appendix to Senate Bill 116

Public Policy Involved

This legislation is similar to Senate Bill 147 that was considered during the 1981 session. That bill was referred to the Joint Survey committee on Retirement Systems (JSCRS) for analysis, and the Committee recommended that provisions in that legislation affecting public employees and employers of the state be deleted to allow further study. The legislation did not pass during the 1981 session, and the issue was reviewed by the Retirement Research Committee (RRC) in October, 1982. However, the Research Committee has made no specific recommendation to date relative to the removal of the age 70 limitation on involuntary retirement restrictions now provided by both state and Federal law.

Mandatory or involuntary retirement is often construed to be primarily a personnel matter. On the other hand, it is relatively common to find such provisions within the framework of retirement plans rather than personnel laws or rules. Concerning the state-administered WRS, Ch. 40 of the Stats. provides under s. 40.23 (1)(f) that any participant may be retired by the employer after attaining the employee's "normal retirement date" under policies established or agreed to by the employer, unless prohibited by Federal law or collective bargaining agreement. This bill would specifically amend this section of WRS law to include the added restrictions newly provided under the state FAIR Employment Act.

The Federal Age Discrimination in Employment law restricting involuntary retirement between ages 40 and 70 has been in effect since 1978. In recognition of the Federal law, the state and most governmental subdivisions have adopted policies of providing no involuntary or mandatory retirement before age 70, unless for just cause. The exception to this general statement relates to protective participants under the WRS for whom some employers are attempting to mandate retirement at an earlier age. For other public employees at the local level, mandatory retirement is in some instances required by collective bargaining agreements or city and county ordinances at age 70. This bill would allow a temporary delay in the restrictions on involuntary retirement in these instances. During the hearings on Senate Bill 147 during the 1981 session, very little concern was noted by public employers or their associations. In general, it would seem that neither the public employers or public employee groups within this state are greatly concerned as to personnel problems that might occur if this legislation is enacted. Presumably, it is the general belief that few employees will avail themselves of the right to stay in employment after age 70.

CARL OTTE
Co-Chair

VERNON HOLSCHBACH

Co-Chair

Read and referred to committee on Aging and State Institutions.

CALENDAR OF April 19

By request of Senator Cullen, with unanimous consent, the appointments were considered enmasse.

CONROY, CATHERINE, of Milwaukee, as a member of the Board of Regents, to serve for the term ending May 1, 1985.

Read.

HANSON, CAMILLA, of Mellen, as a member of the Board of Regents, to serve for the term ending May 1, 1990.

Read.

NIKOLAY, FRANK L., of Abbotsford, as a member of the Board of Regents, to serve for the term ending May 1, 1990.

Read.

The question was: Shall the appointments be confirmed?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 30.

Noes -- None.

Absent or not voting -- Senators Bablitch, Maurer and Opitz -- 3.

So the appointments were confirmed.

SENATE CLEARINGHOUSE ORDERS

The committee on Labor, Business, Veterans Affairs and Tourism reports and recommends:

Clearinghouse Rule 82-184

AN ORDER to repeal Tax 7.22, 8.02 (2), 8.21 (1), 8.35 (1), (2) and (3), 8.42 and 8.86; to renumber Tax 8.35 (4) and (5); to renumber and amend Tax 4.50, 8.02 (1) and 8.21 (2); to amend Tax 7.01 (1) and (2), 7.23 (3) (e), 8.11, 8.43 (1) and (2), 8.66, 8.76 (2), 8.81 and 8.85; to repeal and recreate Tax 9.12; and to create Tax 4.50 (1), (2), (3) and (4), 7.01 (5) and 8.43 (3), relating to chs. Tax 4, 7, 8 and 9 of the Wisconsin administrative code interpreting chs. 78, 125 and 139 of the statutes.

No action taken.

Clearinghouse Rule 83-18

AN ORDER to create S-L 30.35, relating to granting state chartered savings and loan associations parity with

federally chartered savings and loan associations with respect to conversion of stock associations.

No action taken.

Clearinghouse Rule 82-208

AN ORDER to repeal Ind 54.16, 55.35, 59.23 (2) and A51.042 (5); to renumber Ind 59.23 (3); to amend Ind 51.21 (3) (i), 51.27 (7a), 52.01 (title), (1) (title) and (2) (h) and 69.09 (1) (a) (intro.) and (3) (a); to repeal and recreate Ind 51.01 (7a), 51.23 (1), (4), (6) and (7), 52.02 and 56.05; to create Ind 51.01 (7b), 51.23 (8), 52.015, 56.03 (1) Note, 56.20 (2) Note, 58.65 (2) Note, 59.23 (2) Note, A52.015 and 64.67 (6), relating to automatic fire sprinkler systems.

No action taken.

JEROME VAN SISTINE
Chair

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

Assembly Bill 37
Assembly Bill 74
Assembly Bill 141

Concurred in:

Senate Bill 15

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Bill 37

Relating to reciprocal registration agreements with Indian tribes or bands and granting rule-making authority.

By Legislative Council.

Read first time and referred to committee on Transportation.

Assembly Bill 74

Relating to rustic roads.

By Representatives Vanderperren, Hasenohrl, Smith, Holschbach, Bradley, Coleman and Walling.

Read first time and referred to committee on Transportation.

Assembly Bill 141

Relating to the medium security correctional institution in Milwaukee and making appropriations.

By Representatives M. Coggs, Plewa, S. Coggs, Becker, Plous, Kincaid, Gerlach, Sell, Ulichny, Crawford, D. Travis, Jauch, Antaramian, Bell, Clarenbach, Wineke, Smith, Medinger, Seery, Tesmer, Meaux, Nelsen, Schneiders, Young, Rosenzweig, Gilson, Czarnecki, Neubauer, Rogers and Kunicki, co-sponsored by Senators George, Thompson, Kleczka and Norquist.

Read first time and referred to committee on Aging and State Institutions.

CALENDAR OF APRIL 19

Senate Bill 4

Relating to county assessor systems.

Read a second time.

By request of Senator Cullen, with unanimous consent, **Senate Bill 4** was referred to committee on Senate Organization.

Senate Bill 7

An act to authorize and direct expenditure of \$1,395.49 from the general fund for payment of a claim against the state made by Alva and Mary Metcalfe.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 7

Read a third time.

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 30.

Noes -- None.

Absent or not voting -- Senators Bablitch, Maurer and Opitz -- 3.

So the bill passed.

Senate Bill 9

An act to authorize and direct expenditure of a sum sufficient from moneys appropriated to the university of Wisconsin system for payment of a claim against the state made by John C. Weaver.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 9

Read a third time.

The ayes and noes were required and the vote was: ayes, 24; noes, 6; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Feingold, George, Hanaway, Johnston, Kincaid, Kleczka, Kreul, Lorge, Lorman, McCallum, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 24.

Noes -- Senators Davis, Ellis, Engeleiter, Harsdorf, Lasee and Lee -- 6.

Absent or not voting -- Senators Bablitch, Maurer and Opitz -- 3.

So the bill passed.

Senate Bill 69

Relating to commercial fishing license reciprocity limitations and exemptions to those limitations.

Read a second time.

Senate amendment 1 offered by Senator Strohl.

The question was: Adoption of senate amendment 1? Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 69

Read a third time and passed.

Senate Bill 70

Relating to allowing municipalities to impose a service fee on certain tax-exempt property.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 offered by Senator Offner.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Adopted.

Senate amendment 2 to senate substitute amendment 1 offered by Senator Lee.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

Adopted.

Senate amendment 3 to senate substitute amendment 1 offered by Senator Davis.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Senator Offner moved rejection of senate amendment 3 to senate substitute amendment 1.

The question was: Rejection of senate amendment 3 to senate substitute amendment 1?

Senator Harsdorf moved that **Senate Bill 70** be referred to joint committee on Finance.

The question was: Shall **Senate Bill 70** be referred to joint committee on Finance?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 18; absent or not voting, 3; as follows:

Ayes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Kreul, Lasee, Lorge, Lorman, McCallum and Theno -- 12.

Noes -- Senators Adelman, Cullen, Czarnezki, Feingold, George, Johnston, Kincaid, Kleczka, Lee,

Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 18.

Absent or not voting -- Senators Bablitch, Maurer and Opitz -- 3.

So the motion did not prevail.

The question was: Rejection of senate amendment 3 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 13; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Cullen, Czarnezki, Feingold, Hanaway, Kincaid, Kleczka, Lee, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 17.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, George, Harsdorf, Johnston, Kreul, Lasee, Lorge, Lorman, McCallum and Theno -- 13.

Absent or not voting -- Senators Bablitch, Maurer and Opitz -- 3.

So the motion prevailed.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 70

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 11; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Cullen, Czarnezki, Davis, Feingold, Hanaway, Johnston, Kincaid, Kleczka, Lee, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 19.

Noes -- Senators Chilsen, Ellis, Engeleiter, George, Harsdorf, Kreul, Lasee, Lorge, Lorman, McCallum and Theno -- 11.

Absent or not voting -- Senators Bablitch, Maurer and Opitz -- 3.

So the bill passed.

Senate Bill 80

Relating to regulating smoking in public conveyances and specified places, granting rule-making authority and providing a penalty.

Read a second time.

By request of Senator Kleczka, with unanimous consent **Senate Bill 80** was referred to joint committee on Finance.

Senate Bill 89

Relating to designating the Antigo silt loam as the state soil.

Read a second time.

Ordered to a third reading.

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By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

By request of Senator Kincaid, with unanimous consent, he was made a coauthor of **Senate Bill 89**.

Senate Bill 89

Read a third time.

Senator Kleczka in the chair.

11:00 A.M.

The question was: Shall **Senate Bill 89** pass?

The ayes and noes were demanded and the vote was: ayes, 27; noes, 3; absent or not voting, 3; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Johnston, Kincaid, Kleczka, Lasee, Lorge, Lorman, McCallum, Moen, Offner, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 27.

Noes -- Senators Kreul, Lee and Norquist -- 3.

Absent or not voting -- Senators Bablitch, Maurer and Opitz -- 3.

So the bill passed.

The president of the senate in the chair.

11:10 A.M.

Senate Bill 103

Relating to auditing compliance with the American-made materials law.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 103

Read a third time and passed.

MOTIONS

By request of Senator Cullen, with unanimous consent, **Senate Bill 184** was withdrawn from the committee on Labor, Business, Veterans Affairs and Tourism and referred to the committee on Energy and Environmental Resources.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 83** by Senator Lorge.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Thursday, April 21.

11:13 A.M.

GUESTS

On April 14, 1983, the following visitors honored the senate with their presence:

The Steuben Middle School, 2360 N. 52nd St., Milwaukee, guests of Senator Lee.